

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re:

Russell W. French

Debtor

§
§
§
§

Case No. 05-93655-H5-13

Chapter 13

OBJECTION TO CONFIRMATION BY SECURED CREDITOR

MARGIE SYKES HOWARD ("Creditor"), a secured creditor of RUSSELL W. FRENCH ("Debtor"), hereby objects to the confirmation of the Debtor's Chapter 13 Plan, and in support thereof alleges:

1. Creditor is the holder of a claim against the Debtor, secured by certain property (the "Collateral") described as:

General business assets and various personal property rights from sale and financing of business

2. Attached hereto, marked Exhibit A and Exhibit B and Exhibit C respectively, and made a part hereof, are true and correct copies of the September 24, 2002 Real Estate Lien Note, Security Agreement, and Financing Statement, which vested in Creditor the claim against the Debtor and Creditor's right, title, and interest in and to the Collateral.

3. Creditor has duly perfected Creditor's interest in the Collateral.

4. The value of Creditor's interest in the Collateral, as of the effective date of the Plan, is **\$110,000.00**.

5. The Plan misclassifies Creditor's status and interest in the Collateral, and does not propose to pay to Creditor the value of the allowed secured claim as of the effective date of the Plan, in that the classification of the Creditors' claim set forth in the Plan is incorrect, so that the amount to be paid to the Creditor under the Plan is less than the value of the Collateral on the effective date of the Plan.

6. Creditor filed its Proof of Claim with proper documentation for **\$183,237.47**, of which **\$110,000.00** is filed as a secured claim.

7. Debtor has not objected to Creditor's Proof of Claim.

8. The Chapter 13 Plan does not provide for payments to be made to Creditor to the extent of the secured claim.

9. The Plan as proposed does not adequately protect Creditor's interest in this Collateral.

10. The Plan does not provide enough money to pay Creditor's Proof of Claim in full.

11. Based on the foregoing, the Plan is improper, unrealistic, and deprives Creditor of its security interest in the Collateral.

12. In the alternative, the Plan fails to provide Creditor with adequate protection of Creditor's security interest in the Collateral.

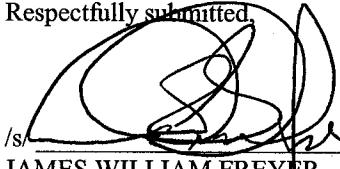
13. In addition, Creditor states on information and belief Debtor's filings in this case are incorrect, in that (a) Debtor's Schedule B omits various ownership interests that Debtor has in various business enterprises, including in A.I.C.S., Inc., and in one or more d/b/a businesses; and/or (b) Debtor's Schedule J improperly includes or overstates expenses, including but not limited to \$2,563.50 shown as "regular expenses from operation of business" for the reason that Debtor does not list in Debtor's assets any interest in any business operation carried on by Debtor individually.

14. For the reasons set forth above, confirmation of the Plan should be denied as not meeting the requirements of 11 U.S.C. §1325.

WHEREFORE, Creditor prays that the court deny confirmation of the Debtor's Chapter 13 Plan, and dismiss the Chapter 13 case, or, in the alternative, convert the case to a case under Chapter 7 of the bankruptcy code .

DATED the 17 day of January, 2006.

Respectfully submitted,

/s/ 
JAMES WILLIAM FREYER
Attorney in Charge
State Bar No. 07450700
Admission ID No. 1863
14200 Gulf Freeway, Suite 101
Houston, Texas 77034
281.922.7522
281.922.5483 (Fax)
jwfreyer@email.msn.com
Attorney for Creditor
MARGIE SYKES HOWARD

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument has been served upon the following parties in interest, by Court/ECF transmission, or by regular first class mail, postage prepaid, on the 17 day of January, 2006. All parties entitled to notice have been served.

Debtor

Russell W. French
726 Canyon Springs Drive
La Porte, Texas 77571

Attorney for Debtor

C Zan Turcotte
Isgitt & Associates, P.C.
4801 Woodway, Suite 222E
Houston, Texas 77056

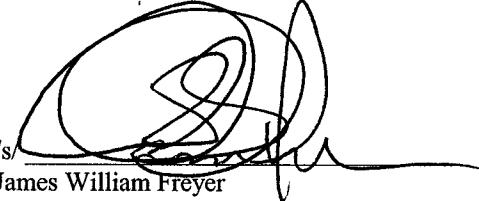
Creditor Committee

None

Trustee

William E. Heitkamp
9821 Katy Freeway, Suite 590
Houston, Texas 77024
CHAPTER 13 TRUSTEE

Office of the United States Trustee
515 Rusk Avenue, Suite 3516
Houston, Texas 77002

/s/ 
James William Freyer